

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. ) Criminal No. 01-455-A  
 )  
 ZACARIAS MOUSSAOUI )  
 a/k/a "Shaqil," )  
 a/k/a "Abu Khalid )  
 al Sahrawi," )  
 )  
 Defendant. )

ORDER

Before the Court is the defendant's pro se Motion to Confirm My No Plea Entry (Docket #236).<sup>1</sup> In this motion, Mr. Moussaoui complains that the Court has manipulated his defense and has undermined his credibility by refusing to accept his "no contest" plea.

The defendant clearly does not understand the legal significance of a nolo contendere or "no contest" plea. The Latin phrase "nolo contendere" means "I will not contest it." Black's Law Dictionary 1048 (6<sup>th</sup> ed. 1990). A plea of nolo contendere or "no contest" is an admission of guilt which can subject a defendant to the same punishment that he could receive if he were to plead guilty. See United States v. Kahn, 822 F.2d 451, 455 (4<sup>th</sup> Cir. 1987); United States v. Dorman, 496 F.2d 438, 440 (4<sup>th</sup> Cir. 1974).

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<sup>1</sup>In our Order of July 8, 2002, we denied as cumulative that portion of the defendant's pro se Motion to Stop Leonie Brinkema DJ [sic] Playing Games With My Life (Docket #426) that objected to our refusal to accept his no contest plea.

A defendant does not have a right to plead nolo contendere; rather, he must have the permission of the Court to enter such a plea. Fed. R. Civ. P. 11(b); see also Dorman, 496 F.2d at 440. In determining whether to allow a defendant to enter such a plea, the Court must consider, among other factors, "the interest of the public in the effective administration of justice." Fed. R. Civ. P. 11(b). The Court must also determine that such a plea is knowingly and voluntarily made.

It has been consistently clear in the defendant's numerous motions that he contests the allegations in the Superseding Indictment. (See, e.g., Docket #s 185, 209, 231, 234, 235, 248, 256, 258, 261, 266 and 279). Such arguments are inconsistent with a nolo contendere plea and show that such a plea by this defendant would not be a "knowing" plea as required by Rule 11. To accept such a plea on this record would be an abuse of discretion. For these reasons, the Court has declined to accept a nolo contendere plea from the defendant. Therefore, the defendant's Motion to Confirm My No Plea Entry is DENIED.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; and standby defense counsel.

Entered this 9th day of July, 2002.

/s/

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Leonie M. Brinkema  
United States District Judge

Alexandria, Virginia